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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/008,531	01/16/1998	HOWARD E. RHODES	MIO 0012 V2	6336
23368	7590	10/18/2006	EXAMINER	
DINSMORE & SHOHL LLP ONE DAYTON CENTRE, ONE SOUTH MAIN STREET SUITE 1300 DAYTON, OH 45402-2023				TRINH, MICHAEL MANH
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20061005

DATE MAILED:

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Commissioner for Patents

1) The REPLY BRIEF filed July 19, 2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

2) Acknowledgment is also made of the information disclosure statement filed (IDS) on June 21, 2006. The June 21, 2006 information disclosure statement is filed after a final action under § 1.113, and is filed before payment of the issue fee and is accompanied by a certification 37 CFR 1.97(e)(2).

However, the statement for certification under 37 CFR 1.97(e)(2) states "...no item...was cited in a communication from a foreign patent office...or,...was known to any individual designated..." (in the alternate); whereas, a certification under 37 C.F.R 1.97(e)(2) requires to state "...no item...was cited in a communication from a foreign patent office...and,...was known to an individual designated....".

Accordingly, since all of the requirements are not properly met, a copy of the FORM PTO 1449, not considered, is attached herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (571) 272-1847. The examiner can normally be reached on M-F: 8:30 Am to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on (571) 272-2429. The central fax phone number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Trinh
Primary Examiner

69/008531